

Present: Dwight Baker, Andy Bennett; Hans Brandal, Chair; John Coney; Ray Day, Jr.; Dave Elliott, Holly Plackett, Anirudh Sahni,, Joan Sells, Tina Shereen, Mike Taylor, Vice-Chair

Excused: John Jensen, Sandy Paul-Lyle, Carla Saulter

Staff: Barbara de Michele, Community Relations Planner; Victor Obeso, Manager of Service Development, Sharon Shinbo, Marketing and Development Project Manager, Cheryl Carlson, Prosecuting Attorney's office

Guest: Alissa Reeves Egnel

Chair Hans Brandal opened the meeting at 6:05 p.m.

Transit Now Partnership Criteria

Obeso reviewed a draft letter of advice from the TAC to Metro staff on the Transit Now Partnership Criteria. After discussion and review, John Coney moved/Ray Day seconded/passed unanimously that the TAC adopt the letter. Staff will prepare a copy for Chair Brandal's signature and forward to Obeso. (see attached).

Long Range Planning Framework

Members reviewed a memo from the TAC to Victor Obeso regarding the Long Range Planning Framework. The group wanted to provide informal input into the general concepts of the planning framework, and requested an opportunity to review the draft document when it is prepared. Obeso said that he had received similar lists from other stakeholders in the process. He noted that there will be a discussion of the LRPF at the Regional Transit Committee meeting on March 21st. (see attached)

RTID/STII Update

Obeso reviewed progress on the Regional Transit Improvement District and Sound Transit Phase II. Metro has worked closely with both agencies. In addition, Metro staff members are working on the technical teams for major projects, such as the Alaskan Way Viaduct and SR520 Bridge. Metro participates in a major RTID sub-committee called "Transit & Traffic."

With regard to the Alaskan Way Viaduct project, the Executive asked Metro staff to generate ideas about mitigating construction impacts through transit. This resulted in the "49 Ways to improve mobility" publicized by Executive Sims in a recent op-ed piece. In reality, there are probably hundreds of improvements that could be made to the system in order to mitigate construction impacts, and those will become more important if people turn to the "surface plus transit" solution after the vote. [Note: a public vote on the fate of the AWW took place on the same date as this meeting. The vote resulted in a "no-no" outcome, with voters rejecting both the tunnel solution and the rebuilt viaduct.] Obeso pointed out that traffic mitigation measures must be implemented, no matter which final alternative is selected.

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Obeso also addressed public involvement in the Rapid Ride project. Still in the planning process, staff will present an outreach plan to RTC in the next few months, with target dates for each corridor.

Bus Advertising Policy

At the request of the RTC, TAC members reviewed Metro's bus advertising policy. Alissa Reeves Egnel, who testified before the February RTC meeting in opposition to The Bodies Exhibition advertising on buses, presented a statement to the TAC and discussed its implications briefly. (See attached). In response, Shinbo and Carlson reviewed the legal issues involved when a public transit agency decides to provide advertising space (see attached document). Shinbo has served as Metro's liaison for customer complaints on advertising for more than twenty years. She explained how Metro's advertising regulations have evolved over time to meet legal and community standards. The TAC will discuss its response at the April meeting.

Working Rules

Andy Bennett moved/John Coney seconded/passed unanimously that the working rules be adopted as presented. (see attached).

Committee Business

- Joan Sells was elected vice-chair for TAC. She will serve as chair in July, August and September. Mike Taylor will assume the position of chair.
- John Coney volunteered to attend the RTC meeting on March 21st.

Adjournment

Brandal adjourned the meeting at 8:20 p.m.

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ATTACHMENT 1

March 20, 2007

Victor Obeso, Manager
Metro Service Development
King County Department of Transportation
201 South Jackson
KSC-TR-0426
Seattle, WA, 98104

Dear Mr. Obeso:

Thank you for attending the Transit Advisory Committee (TAC) meeting of February 13 and discussing the Transit Now Partnership Criteria with us. In response to your presentation, we provide the following comments on the document.

Overall Comments

Reading as laypersons, TAC members felt that the document did not “flow” logically from point to point. To improve this aspect of the document, the TAC suggests providing examples or scenarios that illustrate the process in everyday terms and including these in each section (i.e., “Direct Financial Partnerships,” “Speed and Reliability Partnerships with Local Jurisdictions,” and so forth).

Direct Financial Partnerships (Page 1)

- During your presentation to the TAC, you explained that Metro will ramp up capacity (i.e., buses, drivers and infrastructure) over the next few years. The Transit Now Review Criteria does not speak to this capacity ramp-up period. How much capacity will be available each year, when will it be available, and how would this effect applications for partnership opportunities (i.e., would a smaller jurisdiction be advised to apply for a partnership later rather than sooner)?
- Are fare revenues factored into direct financial partnerships? The document does not address the role of fare revenues. The TAC recommends that fare revenues be credited 2:1 (the same as the contribution).
- The document does not clearly explain the role of capital improvements. Does the partner pay only for service, only for capital improvements, or both? The TAC recommends that the language be clarified.
- The document does not clearly explain the status of the partnership agreement after five years. If a new route is successful, will Metro eventually take over funding and operation? Or will the operation of such a route always be dependent upon re-negotiation of the partnership agreement? Again, the TAC recommends that the language be clarified, or a supporting example/scenario be included in the document.

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Speed and Reliability Partnerships with Local Jurisdictions (Page 2)

- TAC members note that the document defines “speed” improvement criteria, but does not mention “reliability” improvement criteria. The TAC recommends that Metro develop criteria specifically for reliability improvements and include these in the document.
- Proposals in this category will require research. The TAC recommends that any costs to develop the proposal should be borne by the partner, and not by Metro.
- The TAC recommends that the timeline for submitting proposals be clarified. “First come, first served” is not an adequate screening criterion for investments in infrastructure.

Direct Financial Partnership Priorities (Page 5)

- The TAC recommends that “improvements in ridership” (Priority 8) be moved higher on the list, between #2 and #3.
- As a sub-heading under Priority #7, the TAC recommends “service to under-served, low-income communities” be added.
- As a sub-heading under Priority #7, the TAC recommends that “land use changes to increase ridership” be added.
- Priority #6, identifying partners that would like to contribute additional funding, should be moved higher on the list, perhaps between #3 and #4.

Speed and Reliability Priorities (Page 6)

- Priority #2 says that the project must be completed within five years. The TAC recommends the addition of language that gives higher priority to projects that can be completed BEFORE five years, with priority given to those with the shortest implementation time.
- Priority #3 should be moved higher on the list, between #1 and #2.
- Include a new item between #2 and #3, “Increases the volume of buses.”
- As a subheading under #4, TAC recommends the addition of “increases service to under-served low-income communities”
- As a sub-heading under #4, TAC recommends the addition of “land use code changes to increase ridership.”

Once again, the TAC thanks you for your presentation and for the opportunity to provide input to Metro staff on this important document.

Sincerely,

Hans Brandal, Chair
King County Transit Advisory Committee

cc Kevin Desmond, General Manager, Metro Transit Division, King County Department of Transportation (KCDOT)
Betty Gullledge-Bennett, Manager, Community Relations and Communications, KCDOT

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ATTACHMENT 2

March 23, 2007

TO: Victor Obeso, Manager, Service Development
David Hull, Supervisor, Service Planning

FM: Hans Brandal, Chair
Transit Advisory Committee

RE: Long Range Policy Framework for the Six Year Plan

On February 28 and March 13, the Transit Advisory Committee (TAC) met and developed a list of items that the group would like to see included in the revised Long Range Policy Framework (LRPF). In our opinion, the document needs extensive revision to reflect current practice especially where policy has been updated by previous Six Year Plans. We therefore do not feel that it would be productive to provide language to staff at this time. We would like an opportunity to review the revised LRPF when it is completed.

As an overall comment, we would like to see the document converted to a Word document. Updates to existing policies need to be integrated with state and local law, e.g., the Commute Trip Reduction Act or the state's Growth Management Act.

The TAC recommends that language be inserted in the LRPF to address these issues:

- Security – both Homeland Security and disaster preparedness
- Bus Rapid Transit/Rapid Ride
- Bus shelters and other customer amenities. Specifically, how can Metro make its system easier to access, easier to use and easier to understand?
- Policies addressing the needs of rural areas (current policy reduces transit “intrusion into rural areas;” but rural areas want and need transit services)
- Governance – will the document anticipate an overall regional planning agency?
- Policy framework should address the needs of under-served, low-income communities.
- Policy gives priority to transit interconnections between urban centers in all the service areas of King County that contain such centers
- Actively engage and consciously plan for marketing as a part of the public transportation system

cc: Arthur Thornbury, Legislative Analyst, King County Council
Betty Gulledge-Bennett, Manager, Community Relations and Communications Section (CRCS), Department of Transportation (DOT)
Barb DeMichele, Community Relations Planner, CRCS, DOT

ATTACHMENT 3

A public statement on the Bodies Exhibit presented to the King County Regional Transit Committee on February 21, 2007

Alisa Engnell
Seattle, WA

Thank you for letting me speak today. My name is Alisa Engnell, and I am a resident of Ballard. I formerly lived in Burien, and I currently work in housing development in Seattle.

Thank you also for your leadership in the transit system. Thank you for providing a safe, clean system that is accessible to all, a system that has what my sister from Baltimore calls truly *beautiful* buses.

I am here today to ask you why you have decided to use our buses to advertise the Bodies Exhibit. Why have you used our buses to endorse, promote, and profit from the display of human bodies without their consent?

While the exhibit may be educational, it may be beautiful, and it may be something you yourself have enjoyed, it still violates basic values that King County has always stood for.

First, the Bodies Exhibit is a violation of the value of self-determination.

These bodies never gave consent to be used for science or education. This is a fact that the Seattle exhibit owners openly admit, without debate.

The people in the exhibit came from China. They were never able to speak up for their rights during their lifetime or come to a meeting as I am now. They could not protest the one-child policy or the sale of organs from prisons, nor could they prevent their own body from being put in an exhibit like this.

Secondly, the Bodies Exhibit is a violation of dignity and compassion for all people.

King County has recently engaged in an ambitious campaign to end homelessness, a campaign designed to prevent people from dying on the streets unloved and unnoticed.

This exhibit, however, takes exactly those people—the poor and the alone—and puts them on display. The bodies in the exhibit are the unclaimed dead turned over by the Chinese government. This means, I assume, that they are the bodies of the lost, the homeless, the poor, and the orphan.

They deserve our best in respect, resources, and compassion. At the very least, they deserve the privacy of death.

The exhibit is almost over, but you still have a chance to take a stand.

In response to a similar exhibit, the San Francisco city council passed an ordinance to ban the display of human remains without consent. The very least we could do is refrain from profiting from it.

I ask you to do the following things:

1. Remove any remaining advertisements from our buses.
2. Make a public statement that includes:
 - The amount of money that was received through the advertising contract
 - A description of how the money was used
 - An explanation of why the council considered the Bodies Exhibit to be an appropriate source of income for King County

Thank you for attention today. I look forward to your response.



I look forward to knowing that King County is once again a place that stands for dignity, compassion, and self-determination for all, whether they be rich or poor, black or white, a citizen of the United States or any other country.

ATTACHMENT 4

**King County Metro
Transit Advertising Rules Briefing
for Transit Advisory Committee
March 13, 2007**

Metro has had advertising on buses since 1973 and most ads are non-controversial

Metro has contracted with consultants to sell advertising space on its buses since 1973. Transit advertising provides significant revenue to Metro. During the current five-year contract with Titan Outdoor, King County Metro will receive over \$ 27 million in revenue. For 2006 Metro received over \$ 6,022,700 from transit advertising. Of that amount, \$743,000 was from full wrap advertising on 25 of Metro's 1320 fleet. The King County Council decided to phase out full wrapped buses that covered the side windows during their 2007 budget process. As a result of council direction, Metro stopped entering into any new agreements, or extending any existing agreements, for full wrapped buses. All of the revenue from transit advertising helps to help fund the public transportation system.

In a great majority of the cases, the advertising does not result in controversy. It is acknowledged, however, that someone may occasionally find text or graphics used in advertising to be offensive or contrary to their own personal beliefs.

Transit advertising issues must viewed from a legal perspective

The Transportation Research Board (TRB) recently issued a Request for Proposals to conduct a study and produce a report about transit advertising issues (Attachment 1).

In the problem statement, the TRB recognizes, "Transit systems are increasingly expected to be more entrepreneurial, but transit systems are often governmental entities, and as such they have constitutional obligations to respect and protect freedom of speech and to provide equality of treatment. To the extent that a transit system's facility is viewed as a public forum, the system's ability to moderated expressive activity in that forum may in practice be limited."

The goal of the project is "to provide detailed practical information to transit systems of various strategies to implement effective advertising policies that further the system's reasonable interest and protect free speech rights".

While the views of the TRB are informational only and not binding upon Metro Transit, the report, once it is available, should provide an excellent source of additional information for Metro to use in reviewing its current advertising restrictions.

Metro is less free than a private party, like a newspaper, to reject a particular ad

As part of King County Government, and having decided to accept advertising generally, Metro is less free than a private party to reject a particular advertisement. The free speech provisions of our state and federal constitutions limit a government's ability to regulate advertising content.

Given the legal constraints to which the County is subject, with respect to the acceptance of advertising, the mere fact that a particular advertisement appears on a Metro bus should not be construed to mean the County has, in any sense, approved or endorsed the subject, or text/graphics chosen by the speaker. That is not to say the County must accept all advertisements.

Metro's advertising contract sets forth certain advertising restrictions that are reviewed and updated by King County Prosecuting attorneys

The County's contract with Titan Outdoor does contain a section on advertising restrictions (Attachment 2). Those restrictions include advertising for specific categories such as: tobacco products; beer, wine, distilled spirits, or any alcoholic beverage; films rated "X" or "NC-17"; video games rated "A" or "M"; adult book stores, adult video stores, nude dance clubs, and other adult entertainment establishments.

During the last 24 years Metro has executed six transit advertising contracts. Prior to each Request for Proposal for a new contract, the contractual advertising restrictions are carefully reviewed to ascertain whether they continue to be legally defensible. Updates are made as may be deemed necessary. The current restrictions have largely been in place since the 1998. In 2004, "video games rated "A" or "M", and a subsection on "flashing lights, sound makers, mirrors and other special effects" were added to the restrictions.

Metro's outdoor advertising contractor complies with the objective restrictions and occasionally sends a questionable ad to Metro

Metro's advertising contractor, Titan Outdoor, is expected to review the text and graphics for all proposed ads, and to comply with the contractual advertising restrictions. Occasionally the contractor sends an ad to confirm whether it is contractually acceptable, or to let Metro know the ad might generate some comments from the public. The Metro project manager consults with the prosecuting attorney to determine whether or not, based on the objective advertising restrictions set forth in the contract, Metro has any basis to deny the posting of the ad.

There is no basis to deny the posting of the Bodies Exhibit ad

In looking at the text and graphics of the Bodies Exhibit ad and Metro's advertising restrictions, there is nothing in those text or graphics that would provide a basis for King County Metro to deny the posting of the ad (Attachment 3).

There were two contracts for BODIES The Exhibition. The contracts show the client was billed for 40 king sized signs posted for 12 weeks beginning October 1, 2006 and 21 king sized signs

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posted for 16 weeks beginning December 24, 2006. Since October 1, 2006 when the ads were first posted there have been three complaints to Metro.

The San Francisco Board of Supervisors of the City and County of San Francisco passed Ordinance 222-05 that made it “unlawful to display to the public all or part of a dead human body or bodies for consideration or commercial purposes without valid written authorization from the deceased....”

The Bodies Exhibit was displayed within the City of Seattle which, to our knowledge, has no similar ordinance to the one recently adopted in San Francisco. Under Metro Transit's advertising contract, proposed ads are reviewed and assessed in light of Section 6.3 of the current advertising restrictions which provides that: “The consultant shall not place in or on a transit vehicle any advertising that promotes any activity or product that is illegal under federal, state, or local law.”

For Reference:

Attachment 1 -Transportation Research Board, February 9, 2007, Request for Proposals: TCRP J-5, Study Topic 10-02 Transit Advertising Issues

Attachment 2 – Agreement No: 04-TR01 Between King County and Titan Outdoor LLC, Transit Advertising Sales and Related Support Services , January 2005, Section 6.0 Restrictions on Advertising

Attachment 3 – Bodies the Exhibition transit ad

ATTACHMENT 5 – TAC Working Rules

This set of informal working rules guides the way members work together in an environment of mutual respect and trust. Working rules should either be reviewed annually or as new members join the Committee.

1. The Transit Advisory Committee serves in an advisory capacity to Metro’s general manager, the King County Council, the King County Executive, regional sub-area transportation forums, local jurisdictions and others with business pertaining to transit.
2. Members do not formally represent a group, agency or council district, but share the perspectives of their diverse communities.
3. King County employees are not allowed to be members of County citizen advisory committees.
4. Members who may have relevant contractual relationships with the County are asked to disclose that information to the other members of the TAC and to not participate in discussions or votes on related issues, consistent with King County Code 3.04.
5. Members who are employees of jurisdictions within the service area serve as individuals, not as spokespersons for the jurisdictions.
6. Members who cannot fulfill their duties on the TAC should consider resigning.
7. Members who resign from the Transit Advisory Committee are asked to provide a formal letter of resignation.

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8. Staff liaison provides materials and information to the whole group, not to individual members.
9. Meeting documents will be delivered in a timely manner via e-mail. Members are expected to review materials and prepare for each meeting.
10. Members of the Committee should not represent themselves as speaking for the group unless directed by the group to do so. This working rule in no way restricts individual members, in their capacity as citizens, from interacting with elected officials, the media or community organizations.
11. Persons who are not members of TAC may attend advisory group meetings as guests but may not participate in group discussions and consensus deliberations. Non-members may provide brief comments or questions of approximately two minutes length, at the discretion of the chair.
12. Members of the Transit Advisory Committee have the right to be treated in a civil and respectful manner. "We can disagree without being disagreeable."
13. The chair shall endeavor to provide time for every member to speak on each agenda item.
14. Members are encouraged to direct questions or concerns about other Committee members, Committee rulings or Committee decisions to the staff member assigned to the Committee for resolution with the chair.
15. Committee discussions on substantive issues conducted via e-mail are a violation of Washington State's Open Meetings Act. Members should exercise care and discretion with the use of the e-mail distribution list. Staff liaison shall coordinate all e-mail distributions. These rules do not prohibit an individual member from conducting e-mail discussions with another individual member.
16. Members of the Transit Advisory Committee who wish to place an item on the agenda should contact both the chair and the staff liaison by e-mail. The e-mail should 1) give the agenda topic, 2) explain why it is important for the committee to take it up and 3) provide a potential outcome for the discussion. Placement on the agenda is at the discretion of the chair and vice-chair during the agenda-setting meeting. Either the chair or the staff liaison will contact the member following the agenda-setting meeting to inform him/her of the outcome of the discussion.

Last revised on March 13, 2007